IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

JAMICHAEL LACOREY)
STONE, #284539,)
Plaintiff,)
v.) Case No. 2:21-cv-246-WHA-SM
PATRICE RICHIE JONES,) [WO])
Defendant.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

Pro se Plaintiff JaMichael LaCorey Stone, an inmate currently confined in the Bullock Correctional Facility, brings this action under 42 U.S.C. § 1983. (Doc. 1). In March 2021, Plaintiff filed a motion and application to proceed *in forma pauperis*. (Doc. 2). He failed, however, to provide the Court with necessary information regarding the average monthly balance of his inmate account and the average deposit into his inmate account during the last six months. Accordingly, the Court ordered Plaintiff to provide this missing information on or before April 15, 2021. (Doc. 3) p. 1. The Court cautioned Plaintiff that failure to comply would result in a recommendation that this case be dismissed. *Id.* at 2. To date, Plaintiff has failed to file the requisite financial information.

A federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute or obey a court order. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); FED. R. CIV. P. 41(b). The Eleventh Circuit has made clear that "dismissal is warranted only upon a 'clear record of delay or willful contempt and a finding that lesser

sanctions would not suffice." *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (per curiam) (emphasis omitted) (quoting *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985)). Here, the undersigned finds that Plaintiff has willfully failed to provide the financial information necessary to rule on his motion to proceed *in forma pauperis*. And considering Plaintiff's disregard for orders of this Court, the undersigned further finds that sanctions lesser than dismissal would not suffice in this case.

Accordingly, the undersigned Magistrate Judge RECOMMENDS that this case be DISMISSED without prejudice. It is ORDERED that the parties shall file any objections to this Recommendation on or before **June 29, 2021**. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which each objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a de novo determination by the District Court of legal and factual issues covered in the Recommendation, and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11TH CIR. R. 3-1; *see also Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE this 15th day of June, 2021.

Stephen M. Doyle CHIEF U.S. MAGISTRATE JUDGE